

**R E M A R K S**

**Applicants' Claim for Priority Under 35 USC 119**

The Examiner is respectfully requested to acknowledge applicant's claim for priority under 35 USC 119 and receipt of the certified copy of the priority document.

**Information Disclosure Statements**

The Examiner is also respectfully requested to return copies of the IDS Forms filed on August 9, 2006, September 25, 2006 and January 10, 2008, and to indicate thereon that all the cited documents were considered and made of record.

**Restriction Requirement**

Restriction was required under 35 USC 121 and 35 USC 372 as follows:

Group I. Claims 24 to 30, drawn to a fumarate salt  
(as claimed in claim 24);

Group II. Claims 1 to 6, 8, 18 to 23, 31 to 33 and 42, drawn to a method for suppressing the

number of peripheral blood lymphocytes comprising administering to a human in need thereof a pharmaceutically effective amount of a compound having a formula (I);

Group III. Claims 34 to 36, drawn to a method for suppressing rejection of a skin transplant or an organ transplant comprising administering to a warm-blooded animal in need thereof a pharmaceutically effective amount of the fumarate salt according to claim 24; and

Group IV. Claims 37 to 41, drawn to a method for treating or preventing an autoimmune disease or an immunity related disease comprising administering to a warm-blooded animal in need thereof a pharmaceutically effective amount of the fumarate salt according to claim 24.

Applicants elect Group II (Claims 1 to 6, 8, 18 to 23, 31 to 33 and 42, drawn to a method for suppressing the number of peripheral blood lymphocytes comprising administering to a human in need thereof a pharmaceutically effective amount of a compound having a formula (I).

Species Election Required

A requirement to make a species election is set forth on pages 5 to 8 of the Office Action.

Applicants elect (2R)-2-amino-2-methyl-4{1-methyl-5-[4-(4-methylphenyl)butanoyl]pyrrol-2-yl}butan-1-ol, which is set forth in claim 20 as a compound of formula (I).

The claims that read on the elected species are as follows:  
claims 1 to 6, 18, 20 and 42.

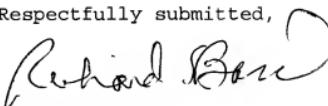
The Restriction Requirement concerning the election of a species is respectfully traversed on the ground that it is not a species requirement of the type set forth in MPEP 803.02 entitled "MARKUSH CLAIMS." It is respectfully submitted that the practice to be applied in the present case and to the extent that the Restriction Requirement is not consistent therewith, it is respectfully traversed.

If, however, the Restriction Requirement is maintained, then taking into consideration that there is a generic claim, it is respectfully requested that the provisions of 37 CFR 1.141(a) and the procedure set forth in MPEP 806.04(d) be followed, which provide that once a claim that is determined to be generic is allowed, applicants should be entitled to consideration of additional species which are written in dependent form or otherwise include all of the limitations of an allowed generic claim.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Frishauf, Holtz, Goodman  
& Chick, P.C.  
220 Fifth Ave., 16th Floor  
New York, NY 10001-7708  
Tel. Nos. (212) 319-4900  
(212) 319-4551/Ext. 219  
Fax No.: (212) 319-5101  
E-Mail Address: RBARTH@FHGC-LAW.COM  
RSB/ddf

Respectfully submitted,

  
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Richard S. Barth

Reg. No. 28,180